

**COUNTY of
CUMBERLAND
VIRGINIA**

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Planning Commission

District 1
Patrick Smook

District 2
Keith Oulie

District 3
William C. Burger

District 4
David Brown

District 5
Rolland Gilliam

At Large
Parker Wheeler

At-Large
Irene Speas

**MINUTES OF THE
CUMBERLAND COUNTY PLANNING COMMISSION
Meeting
Old Clerk's Office
Cumberland, Virginia
August 15, 2005, 7:00 P.M.**

Present: Bill Burger, Chairman, District 3
David Brown, District 4
Keith Oulie, At-Large
Bill Osl, Board Representative
Patrick Smook, District 1

Catherine Kahl, Planner/Zoning Administrator, Clerk of the Commission

Absent: Roland Gilliam, District 5
Parker Wheeler, Vice-Chairman, At-Large
VACANT, District 2

Also Present: Darvin Satterwhite, County Attorney
Mark and Cynthia Bowman

Chairman Burger called the meeting to order and a quorum was established.

The first item on the agenda was acceptance of the minutes of July 18, and August 2, 2005. The minutes of July 18th were accepted as written, and the minutes of August 2nd were accepted with revisions.

There were no public comments.

The next item of business was the Conditional Use Permit Application 5-08-01 for Mark and Cynthia Bowman of Trices Lake, TM# 16A1-1-44. Questions were asked by the commissioners and answered by the Bowmans regarding the application, which had created the need for the hearing. Chairman Burger expressed the need to create enforceable standards for Trices Lake because there are so many exceptions there.

A suggestion was made by Mr. Osl to allow these kinds of cases be determined by the Planner, rather than by the Planning Commission. He stated there are other issues of greater importance that need to be addressed by the Commission in the time allotted to meetings, and this type of situation could be handled in the office. He stated that questions of variance (instead of Conditional Use) at Trices Lake, where variance of setbacks is the rule, rather than the exception, could be addressed by creating codes that allowed for or specified a "bottom line." The Planning Commission could then be asked to address the Code, and the Planner/Zoning Administrator would deal with the individual cases.

The County Attorney then addressed the fact that the CUP must be used instead of the variance due to the conditions at Trice's Lake and the structure of our code.

Chairman Burger stated that the setbacks were not the issue to him, but the size of the lots. If a fire started, the several houses would go up because of the variance of setbacks used in the building of the development. Fire trucks would not be able to navigate between many of the houses that currently exist due to existing setbacks. Mr. Osl suggested a look at other fire codes and the necessary requirements in revising our Code. Commissioner Oulie suggested that the Bowmans proffer to keep the side yards clear to allow access by fire and rescue. A motion to approve the draft resolution of the CUP, with the condition that the side yards be kept clear, and proceed to Public Hearing was made by Commissioner Smook and seconded by Commissioner Brown. The vote was as follows:

Chairman Bill Burger – aye
Commissioner Oulie - aye

Commissioner Smook - aye
Commissioner Brown - aye

The County Attorney will advertise the Public Hearing, and it is now set for hearing on September 13, 2005.

The next item of business was the R2-5 Zoning and discussion of various alternatives to this type of zoning by the Planner. Discussion included the fact that there are 4 different options to dealing with growth along the 60 corridor, including the highway overlay zoning. It was stated that the zoning could be left as R2, or be downzoned to A2, but there were concerns about doing this. There was also concern about the need to manage the growth that is currently being experienced, and which will only continue to accelerate.

The Planner was asked if most of the R2-5 conditions could be included in the highway overlay zoning. A discussion then began about use of the highway overlay zoning and what requirements were necessary for such an overlay district.

Land use was again addressed, as a part of the discussion regarding R2-5. Chairman Burger stated that the Comprehensive Plan Goals and Objectives took 9-10 months within the guidelines of public hearings and BOS input. He stated that the land use portion of the Comprehensive Plan will take even more time, and unless there is public understanding and approval, it will not be accepted. Different methods of getting the information to the public were then discussed and included reaching residents through church congregations, community groups, and the schools.

General comment continued and a vote was tabled until an informal meeting with the Board of Supervisors to discuss additional R2-5 options could be arranged. R2-5 will again be addressed at a Planning Commission meeting after this informal discussion has taken place.

The Parking Ordinance as delineated in Section 74-9 was then discussed. Catherine Kahl explained that parking regulations were made a part of the code years ago. The current code mandates an excessive amount of required parking. This needs to be addressed by a look at the current parking regulations for divisions versus what is actually needed for the development experienced now, and to come in the future. Commissioner Brown suggested the county look at a Park and Ride facility and creating a place for that as he knows of several people who do it informally.

Under Commissioners Comments, the following were made:

Commissioner Smook: No comment

Commissioner Brown: The R2-5 is good because it allows businesses in residential areas, which he supports.

Commissioner Oulie: Requested that the Planner and the Commission look at existing code for Trices Lake.

BOS Chairman Osl: The Commission needs to streamline the administrative approvals process and work with the county attorney to determine what, under the current code, is legally mandated and refer changes to the Planning Commission to initiate new code.

Under Old Business, the Land Use Planning and Mapping Schedule was the next item under discussion. A calendar of possible meeting dates and scheduling of events had been provided by Catherine Kahl for review. The scheduled August 22nd Workshop was moved to August 29th.

All of the other dates provided on the calendar (attached) for Workshops were accepted as listed, with the condition of review/rescheduling as needed. The vote was as follows:

Chairman Bill Burger – aye
Commissioner Oulie - aye

Commissioner Smook - aye
Commissioner Brown - aye

Also under Old Business, a date of September 8th at 3:00 p.m. was set for the Cumberland County Sewer Tour provided by Jerry Giles, Director of Public Works.

There being no other business before the Commission, a motion to adjourn was made by Commissioner Oulie and seconded by Commissioner Brown. The meeting was adjourned until the September 29th workshop on land use.

Attested:

Bill Burger, Planning Commission Chair

Catherine Kahl, Clerk of the Commission